

REMARKS

REQUEST FOR RECONSIDERATION

Claims 1-26 are pending. In the Final Office Action, the Examiner rejected Claims 1-26. Applicants have amended Claim 24. Reconsideration and allowance of all pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Objections

The Final Office Action objects to Claim 24 due to an alleged grammatical error. Applicants amend Claim 24 and respectfully contend that the objection of Claim 24 is now moot.

Rejections Under 35 USC § 112

The Final Office Action rejects Claims 24-26 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Final Office Action contends that the limitation “comparing the at least software operation with a repository of virus detection data” of Claim 24 is not described in the Specification. (Final Office Action, page 2.) Applicants respectfully traverse these rejections for the reasons stated below.

With regard to a particular embodiment, Figure 5 and Figure 7 of the Specification fully support Claim 24. Figure 5 is discussed on pages 10-11 of Applicants’ application, and Figure 7 is discussed on pages 13-14, and the discussion clearly describes comparing the software operation with a repository of virus detection data. For example, page 11, line 3 through line 5 of Applicants’ disclosure regarding Figure 5 provides an example of a pattern match that may be performed at step 45 of Figure 7 stating:

- (a) search for a pattern p1 corresponding to access to a system macro; and
- (b) if pattern p1 is found in (a), search for one or more patterns corresponding to modification, replacement or deletion of the system macro.

The above passage clearly states that in an example pattern match methodology, a software operation is compared with a repository of virus detection data. Therefore, Applicants’

Claim 24 is clearly described in the disclosure. Claims 25 and 26 each depend from Claim 24, and incorporate all limitations thereof. For at least these reasons, Applicants respectfully request that the rejection of Claims 24-26 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejections Under 35 USC § 102

The Final Office Action rejects Claims 1, 4-9, 13-16, and 19-26 under 35 U.S.C. § 102(a) as allegedly being anticipated by *Firm Offers Free Tool to Fight "Love You" Virus* by Ken Fermoye ("*Fermoye*"). Applicants respectfully traverse these rejections for the reasons stated below.

As the PTO is aware, in order for a reference to anticipate a claim "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (Emphasis Added). With this threshold requirement in mind, Applicants respectfully submit that the PTO has failed to establish a *prima facie* case of anticipation using *Fermoye*.

Claim 1 is directed to a method for detecting script language viruses in data streams that includes "preparing language description data corresponding to at least one script language" and "preparing detection data for viral code corresponding to the script language virus." Applicants respectfully contend that *Fermoye* does not disclose these limitations for the reasons described in Applicants' Response dated May 22, 2006 at pages 8-9.¹ For example, *Fermoye* merely discloses scanning text for keywords and includes no disclosure, teaching or suggestion regarding the preparation of "language description data corresponding to at least one script language" and "detection data for viral code corresponding to the script language virus." Further, *Fermoye* merely mentions monitoring keywords through lexical scanning. *Fermoye* does not disclose any details of any lexical analysis that should be performed. *Fermoye*, therefore, fails to disclose, teach, or suggest the lexical scanning of a data stream using the language description data and the detection data to detect the viral code, as recited in Claim 1. Thus, Applicants respectfully submit that *Fermoye* fails to disclose the identical invention in as complete detail as Claim 1. For at least these reasons, Claim 1 is patentably distinguishable from *Fermoye*, as are all claims depending therefrom. Claims 13-

¹ Applicants refer here to, and summarize, the previous arguments rather than reproducing them in full.

16 are patentably distinguishable from *Fermoyle* for analogous reasons, as are all claims depending therefrom.

Claim 24 is directed to a method that includes receiving a data stream and lexically analyzing the data stream to identify at least one software operation associated with the data stream. The software operation is compared with a repository of virus detection data. *Fermoyle* does not disclose each of these limitations. For example, there is no suggestion that *Fermoyle* has the ability to identify a software operation associated with the data stream. For at least these reasons, Applicants respectfully submit that Claim 24 is patentably distinguishable from *Fermoyle*, as are Claims 25 and 26, which depend therefrom.

Rejections Under 35 USC § 103

The Final Office Action rejects Claims 2-3 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over *Fermoyle* in view of Session 19: Intro to Compiler Design: BNF, Recursion and Finite Automata, Fall 1999, Computer Science Courses CS373 (“*Session*”). The Final Office Action rejects Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Fermoyle* in view of Applicant’s admitted prior art. Applicants respectfully traverse these rejections for the reasons stated below.

Each of these rejections is based upon a mischaracterization of *Fermoyle*. As discussed above, *Fermoyle* does not disclose, teach or suggest the identical invention in as complete detail as Claim 1 and Claim 16. Claims 2-3 and 12 each depend from Claim 1, and Claims 17-18 each depend from Claim 16. For at least these reasons, Applicants respectfully submit that Claims 2-3, 12 and 17-18 are each patentably distinguishable from the references of record.

Response to Arguments

The Final Office Action contends that Applicant’s previous arguments fail to comply with 37 C.F.R. 1.111(b) because they allegedly “amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.” (*See Final Office Action, Page 6.*) Applicants respectfully disagree. Applicants have identified claim limitations that are

entirely absent from *Fermoyle*. This is sufficient to specifically point out how the language of the claims distinguishes the claims from the teaching of *Fermoyle*.

CONCLUSION

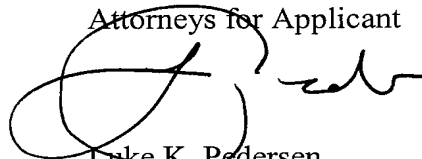
Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant believes no fees are due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge said fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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